

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**ORREL EVANS,**

**Plaintiff,**

**v.**

**9:05-CV-1400  
(FJS/DEP)**

**ALBANY COUNTY CORRECTIONAL  
FACILITY; MERRY KAY; JAMES CAMPBELL,  
Sheriff; and T. ROCKWELL, ISU,**

**Defendants.**

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**APPEARANCES**

**ORREL EVANS**

**05-A-5372**

Franklin Correctional Facility

P.O. Box 10

Malone, New York 12953

Plaintiff *pro se*

**SCULLIN, Senior Judge**

**ORDER**

Currently before the Court for its review is Plaintiff's amended complaint, *see* Dkt. No. 8, which he submitted in compliance with this Court's December 6, 2005 Order, *see* Dkt. No. 5.

In his amended complaint, Plaintiff alleges, among other things, that beginning on June 28, 2005, while he was incarcerated at Albany County Correctional Facility, he did not receive vegetarian meals even though his inmate records clearly indicated that he was a vegetarian. *See* Dkt. No. 8 at 3-4.

In addition, in his amended complaint, Plaintiff adds four new Defendants to this action, "Gloria Cooper, Medical Supervisor at Albany County Correctional Facility;" "John Doe-1,

Correction Officer;" "John Doe-2, Correction Officer," and "Albany County." Plaintiff also corrects the name of one of the existing Defendants. Plaintiff now identifies Defendant "Merry Kay" as "Mary Kay Wies, Kitchen Supervisor of Albany County Correctional Facility."

Furthermore, the Court advises Plaintiff that the U.S. Marshals cannot effect service on "John Doe" Defendants. Therefore, if Plaintiff wishes to pursue his claims against "John Doe-1" and/or "John Doe-2," he must take reasonable steps to ascertain their identities. Once he has ascertained their identities, Plaintiff may file a motion to amend his complaint and seek leave of the Court to add such individuals, by name, as Defendants to this lawsuit. If Plaintiff does not timely serve these individuals, the Court will dismiss this action against them.

Accordingly, for the above-stated reasons, the Court hereby

**ORDERS** that the Clerk of the Court shall revise the Docket to add "Gloria Cooper, Medical Supervisor at Albany County Correctional Facility;" "John Doe-1, Correction Officer;" "John Doe-2, Correction Officer;" and "Albany County" as Defendants to this action; and the Court further

**ORDERS** that the Clerk of the Court shall revise the Docket to change the name of Defendant "Merry Kay" to "Mary Kay Wies, Kitchen Supervisor at Albany County Correctional Facility;" and the Court further

**ORDERS** that the Clerk of the Court shall issue summonses and forward them, together with copies of the amended complaint, to the United States Marshal for service upon the named Defendants, together with a copy of this Order. The Clerk of the Court shall also forward a copy of the summons and amended complaint, together with a copy of this Order, by mail to the Office of the Attorney General for the State of New York; and the Court further

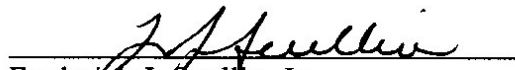
**ORDERS** that Defendants or their counsel shall file a formal response to Plaintiff's amended complaint as provided for in Rule 12 of the Federal Rules of Civil Procedure after service of process on Defendants; and the Court further

**ORDERS** that **any paper that a party sends to the Court or to the Clerk of the Court shall be accompanied by a certificate setting forth the date on which the party mailed a true and correct copy of the same to all opposing parties or their counsel. The Court or the Clerk of the Court shall return, without processing, any letter or other document that it receives which does not include a proper certificate of service.** Plaintiff shall also comply with any Clerk's Office requests for any documents that are necessary to maintain this action. All parties must comply with Local Rule 7.1 of the Northern District of New York regarding motions, and the parties are to make any such motions returnable before the assigned Magistrate Judge on any business day with proper allowance for notice as the Rules require. The Court will decide all motions on submitted papers, without oral argument, unless the Court otherwise orders. **Plaintiff is also required to promptly notify the Clerk's Office of any change in his address; his failure to do so will result in the dismissal of this action;** and the Court further

**ORDERS** that the Clerk of the Court shall serve a copy of this Order on Plaintiff.

**IT IS SO ORDERED.**

Dated: April 26, 2006  
Syracuse, New York

  
Frederick J. Scullin, Jr.  
Senior United States District Court Judge